

Notice of Allowability

Application No.

09/822,304

Examiner

Pedro J. Cuevas

Applicant(s)

KERSHAW ET AL.

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on January 8, 2003.
2. ☒ The allowed claim(s) is/are 7-14.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____. | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

DETAILED ACTION

Allowable Subject Matter

1. Claims 7-14 are allowed.
2. The following is an examiner's statement of reasons for allowance.

Horski et al. clearly teaches the construction of a sliding brush system with shape memory alloy element for two speed direct current motor comprising having at least one choke comprising:

a portion wound about a coil axis to define a plurality of coils including two outermost coils;

an attaching structure including:

a first portion,

a second portion,

a third portion extending from the second portion so as to be generally parallel with the first portion,

a fourth portion bent to extend upwardly from the third portion to an associated outermost coil, the fourth portion being generally parallel with respect to the second portion, and

an elongated end portion disposed on a common plane, in spaced relation, extending from each attaching structure so as to be spaced from and generally parallel to the coil axis, the elongated end portions extending in opposite directions, from an attaching structure a distance substantially equal to a length of the portion wound about the axis;

a brush mounted on a brush card and in electrical connection with one of the elongated end portions; and

an electrical connector mounted on the brush card, the electrical connector having a terminal receiving the other elongated end portion of the choke, and includes an opened channel and at least one portion of the elongated end portion is received in the opened channel.

The prior art of record, taken alone or in combination, fails to teach the construction of a brush card assembly for a D.C. motor as disclosed on independent claims 7 and 10, having:

an attaching structure extending from each outermost coil and being generally transverse with respect to the coil axis and bent so as to extend away from each other at the second side of the brush card, and including:

a first portion extending downwardly and transversely with respect to an associated elongated portion,

a second portion extending transversely from the first portion, and

a third portion extending upwardly from the second portion to an associated outermost coil, the third portion being generally parallel with respect to the first portion; and

a brush card having first and second opposing sides and a pair of openings through the opposing sides, each attaching structure being disposed through an associated opening and bent so as to be adjacent to the second side, with the wound portion of the choke being disposed on the first side of the brush card, such that the choke is secured to the brush card.

Dependent claims 8, 9, and 11-14 are considered allowable by their respective dependence on allowed independent claims 7 and 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pedro J. Cuevas whose telephone number is (703) 308-4904. The examiner can normally be reached on M-F from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R. Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Pedro J. Cuevas
March 18, 2003

Thomas M. Dougherty
THOMAS M. DOUGHERTY
PRIMARY EXAMINER
GROUP 2800
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